

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

TIMOTHY M. KELLEY and JAMIE A.  
FINE, on behalf of themselves and all others  
similarly situated,

Plaintiffs,

vs.

FIDELITY MANAGEMENT AND TRUST  
COMPANY, FIDELITY MANAGEMENT  
AND RESEARCH COMPANY, FIDELITY  
INVESTMENTS, and JOHN DOES 1-25,

Defendants.

CIVIL ACTION NO. 1:13-cv-10222 (DJC)

PATRICIA BOUDREAU, ALEX GRAY, and  
BOBBY NEGRON, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

vs.

FIDELITY MANAGEMENT AND TRUST  
COMPANY, FIDELITY INVESTMENTS  
INSTITUTIONAL OPERATIONS  
COMPANY, INC., and FIDELITY  
MANAGEMENT AND RESEARCH  
COMPANY,

Defendants.

CIVIL ACTION NO. 1:13-cv-10524 (DJC)

COLUMBIA AIR SERVICES, INC.,  
individually and on behalf of all others  
similarly situated,

Plaintiff,

vs.

FIDELITY MANAGEMENT TRUST  
COMPANY, FIDELITY INVESTMENTS  
INSTITUTION OPERATIONS COMPANY,  
INC., and FIDELITY MANAGEMENT AND  
RESEARCH COMPANY,

Defendants.

CIVIL ACTION NO. 1:13-cv-10570 (DJC)

KORINE BROWN,  
On Behalf of Herself and All  
Others Similarly Situated,

Plaintiff,

v.

FIDELITY MANAGEMENT AND  
RESEARCH COMPANY  
and FIDELITY INVESTMENTS  
INSTITUTIONAL OPERATIONS  
COMPANY, INC.,

Defendants.

CIVIL ACTION NO. 1:13-cv-11011 (DJC)

**~~PROPOSED~~ ORDER CONSOLIDATING CASES  
AND APPOINTING INTERIM CO-LEAD COUNSEL**

Based on its consideration of the motion by Plaintiffs in the above captioned cases for consolidation and appointment of interim co-lead counsel, and the record in the above-captioned cases, the Court hereby ORDERS as follows:

1. Plaintiffs' unopposed motion is GRANTED. Accordingly, the following related actions are hereby consolidated for all purposes, pursuant to FED. R. CIV. P. 42(a):

- *Kelley v. Fidelity Management and Trust Co., Inc. et al.*, No. 1:13-10222-DJC (D. Mass).
- *Boudreau v. Fidelity Management and Trust Co., Inc. et al.*, No. 1:13-cv-10524-DJC (D. Mass.); and
- *Columbia Air Services, Inc. v. Fidelity Management Trust Co., Inc. et al.*, No. 1:13-cv-10570-DJC (D. Mass.)
- *Brown v. Fidelity Management and Research Co., et al.*, No. 1:13-cv-11011-DJC (D. Mass.).

Based on the Court's review of the complaints on file in the above-captioned actions, the complaints appear to raise allegations on behalf of the same or overlapping purported classes that arise out of the Defendants' practices relating to the distribution of earnings on "float."

Consolidating these actions will avoid unnecessary waste of judicial resources and additional cost and delay to the parties.

2. The caption of the consolidated action shall be "*In re: Fidelity ERISA Float Litigation*" and the file of the consolidated action shall be maintained under Master File No. 1:13-10222-DJC (the "Consolidated Action"). Any other actions now pending or later filed in or transferred to this district which arise out of or are related to the same facts as alleged in the above-identified cases shall, until further order of this Court, be consolidated for all purposes pursuant to FED. R. CIV. P. 42(a) into the Consolidated Action, if and when they are brought to the Court's attention.

3. All pleadings filed in the Consolidated Action, or in any separate action included herein, shall bear the following caption:

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE FIDELITY ERISA FLOAT LITIGATION	)	
	)	C. A. NO.:13-10222-DJC
	)	

4. Case numbers 13-10524, 13-10570 and 13-cv-11011 shall be administratively closed without prejudice to any party. Such closing shall not constitute a dismissal under Rule 41.

5. Defendants need not answer or otherwise respond to the individual complaints in the actions consolidated by this Order. Plaintiffs shall have until ~~November 15, 2013~~ <sup>February 7, 2014</sup> to file a Consolidated Amended Complaint, and Defendants shall have until ~~January 31, 2014~~ <sup>March 7, 2014</sup> to answer or otherwise respond to the Consolidated Amended Complaint.

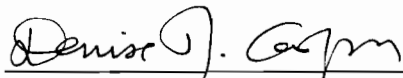
6. Defendants shall effect service of papers on Plaintiffs by serving copies on Co-Lead Counsel by overnight delivery service, e-mail, facsimile, hand delivery, or through the Court's CM/ECF filing system. Plaintiffs shall effect service of papers on Defendants, or any subsequently added defendant, by serving copies on its counsel by overnight delivery service, e-mail, facsimile, hand delivery, or through the Court's CM/ECF filing system.

7. Plaintiffs have moved this Court pursuant to Fed. R. Civ. P. 23(g)(3) for the appointment of Interim Co-Lead Counsel. Having considered their Motion, the Court hereby appoints Bailey & Glasser LLP, Schneider Wallace Cottrell Konecky LLP, Shapiro Haber & Urmy LLP, Robinson & Cole and Iazard Nobel LLP as Interim Co-Lead Counsel.

8. No motion, discovery request, or other pretrial proceeding, or any other action to advance or terminate this proceeding shall be initiated or filed by any plaintiffs without the approval of Interim Co-Lead Counsel.

IT IS SO ORDERED.

Dated this 27<sup>th</sup> day of December, 2013.

  
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Honorable Denise J. Casper  
UNITED STATES DISTRICT JUDGE